

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29900 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- GUTHANI District- Siwan

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1. CHHOTU SINGH @ ROHIT KUMAR SINGH @ ROHIT KUMAR Son of Santosh Singh Resident of Village - Kumna, P.s.- Koppa , Distt.- Saran at Chapra.
 2. madhup Singh @ Madhup Kumar Singh Son of Mithlesh Singh Resident of Village - Bishunpura, Kala, P.s.- Ekma, Distt.- Saran at Chapra.
 3. Goldi Kumar @ Goldi Singh Son of Dineshwar Singh Resident of Village - Pilui, P.s.- Daudpur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Guthani P.S. Case No. 101 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 18.04.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 216.720 litres of IMFL/country made liquor from the car bearing registration no. JH-11C-9196.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.3 is driver of the alleged vehicle, where petitioner no.1 & 2 took lift for local destination”Guthani More”, suggesting thereof joint occupations and as such it cannot be said to be recovered from conscious physical possession of the petitioners. It is also submitted that petitioner no.1 involved in one(1) criminal case in which he is on bail, and petitioner no. 2 & 3 are men of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery was made jointly occupied vehicle, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, where



petitioner no. 2 & 3 are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Guthani P.S. Case No. 101 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 1, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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